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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. D6150CIP2/D
Anticipated Classification of this application:
Class: 514 Subclass: 183000
Prior application: Examiner: Maier, L.C.
Art unit: 1623

MS Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional application under 37 CFR 1.53(b), of pending prior application Serial No. 10/008,006 filed on November 5, 2001, entitled ***Tocopherols, Tocotrienols, Other Chroman and Side Chain Derivatives and Uses Thereof.***

- 1. X Enclosed is a new specification and drawings as originally filed and containing no new matter.
- 2. X Small entity status under 37 CFR 1.27(a)(3) was established in the prior application and such status is still proper and desired.
- 3. X The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION LESS ANY CLAIMS CANCELLED BY AMENDMENT BELOW PLUS CLAIMS ADDED BY PRELIMINARY AMENDMENT

| <u>For:</u> | <u>No. filed</u> | <u>No. extra</u> |
|----------------|------------------|------------------|
| Basic Fee | | |
| Total claims* | 20 = <u>17</u> | <u>0</u> |
| Indep. claims* | 3 = <u>2</u> | <u>0</u> |

0 Multiple Dependent Claim Presented

| <u>Fees for Small Entity</u> | | | or | <u>Fees for other than a small entity</u> | | |
|------------------------------|---|--------------|----|---|---|------------------|
| <u>Rate</u> | | <u>Fee</u> | | <u>Rate</u> | | <u>Fee</u> |
| | | \$385.00 | or | | | \$.00 |
| <u>0</u> x \$43 | = | \$ <u>0</u> | or | <u> </u> x \$ | = | \$ <u> </u> |
| <u>0</u> x \$ 9 | = | \$ <u>0</u> | or | <u> </u> x \$ | = | \$ <u> </u> |
| + \$ | = | \$ <u>0-</u> | or | \$ | = | \$ <u> </u> |
| TOTAL | | \$385.00 | or | TOTAL | | \$ <u> </u> |

4. ☒ The Commissioner is hereby authorized to charge the \$385.00 filing fee or any additional fees required, or credit any overpayment to Deposit Account No. 07-1185.
5. ☒ Claims 1-13 correspond to original claims 4-19 and claims 14-17 correspond to original claims 4 and 20-20 of which original claims 5 and 20 are independent. Effectively original claims 1-3 are canceled.
6. ☒ This application is a divisional application of USSN 10/008,066, filed on November 5, 2001, which is a continuation-in-part of U.S. Serial No. 09/502,592, filed February 11, 2000, which is a continuation-in-part of U.S. Serial No. 09/404,001, filed September 23, 1999, now issued as U.S. Patent No. 6,417,223 on July 9, 2002, which claims benefit of provisional application USSN 60/101,542, filed September 28, 1998, now abandoned.
7. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May only be used if signed by person authorized by § 1.138 and before payment of issue fee.)
8. ☒ Figures 1, 2A-2C, 3-5, 6A-6B, 7, and 8A-8C are enclosed herewith on 11 sheets.
9. ☐ Priority of application serial no. _____ filed on in _____, is claimed under 35 U.S.C. 119.
- ☐ The certified copy of the priority application has been filed in prior application serial no. _____
10. ☒ With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. §120,
- a. ☒ the inventor(s) in this application are the same.
- b. ☒ The inventorship for all the claims in the application are the same.
- c. ☐ The inventorship for all the claims in the application not the same, and an explanation, including the ownership of various claims at the time the last claimed invention was made, is submitted.
11. ☒ The prior application is assigned of record to Research Development Foundation and is located on Reel/Frame 012604/0186.

12. X The power of attorney in the prior application includes Benjamin Aaron Adler, Ph.D., Registration No. 35,423 and appears in the Declarations and Powers of Attorney submitted therewith (copy enclosed).
13. X Address all future communications to:
- Benjamin Aaron Adler, Ph.D., J.D.
Adler & Associates
8011 Candle Lane
Houston, Texas 77071
14. — A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in prior application.)
- a. — A Supplemental Oath [1.67(b)(1)] for new claims is enclosed.
15. — A paper copy of the Sequence Listing is enclosed along with:

Oct 28, 2003
Date

Benjamin Aaron Adler
Benjamin Aaron Adler, Ph.D., J.D.
Registration No. 35,423
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CERTIFICATE OF EXPRESS MAILING
UNDER 37 CFR 1.10

I hereby certify that this divisional transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service as Express Mail No.EV330326565US in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box, Alexandria, VA 22313-1450, on the date indicated below.

Please return the enclosed postcard acknowledging receipt of this correspondence.

Respectfully submitted,

DATE: Oct 28, 2003


Benjamin Aaron Adler, Ph.D, J.D.
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